

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GERALDINE CHEE, INDIVIDUALLY
AND AS NEXT FRIEND OF
LEANDREW ETSITTY, A MINOR,

Plaintiff,

vs.

NO. 1:11-CV-00230 ACT/WDS

UNITED STATES OF AMERICA

Defendant.

DISCOVERY SCHEDULING ORDER

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case was assigned to a “**standard**” track classification, with discovery as to liability and to damages being bifurcated by agreement of the parties. As a result of the status conference held July 12, 2011, good cause having been found, the termination date for discovery on liability is **October 3, 2011** and discovery on liability shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery on liability (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **October 14, 2011**. See D.N.M.LR-Civ 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-

Civ. 26.6.

The Court establishes no deadlines at this time relating to expert witnesses on liability. If it appears to the parties that it will be necessary to retain expert witnesses to testify regarding liability, they should so notify the Court.

Dispositive motions relating to liability shall be filed with the Court and served on opposing party by **November 1, 2011**. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any dispositive motions regarding liability filed after the above dates shall, in the discretion of the Court, be considered untimely. If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

Counsel are directed to contact the Court regarding scheduling of a settlement conference and/or scheduling discovery relating to the damages aspect of the case once their dispositive motions regarding liability have been ruled on, or if such motions are not filed by November 1, 2011.

IT IS SO ORDERED.



W. DANIEL SCHNEIDER
United States Magistrate Judge